PROCEEDINGS OF THE COMMON COUNCIL
IN REGULAR SESSION
TUESDAY , APRIL 9 , 19 91

CITY OF FORT WAYNE, INDIANA
JOURNAL OF THE PROCEEDINGS
OF THE COMMON COUNCIL

THE COMMON COUNCIL OF THE CITY OF FORT WAYNE MET IN THE COUNCIL CHAMBERS Tuesday EVENING April 9 ,1991 , IN Regular SESSION. PRESIDENT Samuel J. Talarico IN THE CHAIR, COUNCIL ATTORNEY Stanley A. Levine , AND Sandra E. Kennedy CITY CLERK, AT THE DESK, PRESENT THE FOLLOWING MEMBERS 8 VIZ:

BRADBURY , BURNS , EDMONDS ,
GiaQUINTA , HENRY , LONG ,
REDD A , SCHMIDT , TALARICO ,

ABSENT: one
COUNCILMEMBER: Redd , ,
, ,

THE MINUTES OF THE LAST REGULAR March 26 ,1991,
,19 ,
SPECIAL ,19 ,

SESSION HAVING BEEN DELIVERED TO THE COUNCIL, WERE, ON MOTION, APPROVED AND PUBLISHED.

THE COUNCIL THEN ADJOURNED

CERTIFICATE

I hereby certify that I am the duly elected, acting and incumbent City Clerk of Fort Wayne, Indiana, and as such the custodian of the records of the Common Council of said City and that the above and foregoing is the true, full and complete record of the proceedings the Common Council of the City of Fort Wayne, Indiana, for its Regular Session, held on 9th day of April, 19 91, that the numbered ordinances and resolutions shown therein were duly adopted by said Common Council on said date and were presented by me to the Mayor of the City of Fort Wayne and were signed and approved or disapproved by said Mayor and on the dates shown as to each such ordinance and resolution respectively; and that all such records, proceedings, ordinances and resolutions remain on file and record in my office.

WITNESS my hand and the official seal of the City of Fort Wayne, Indiana, this 11th day of April, 19 91.

Sandra E. Kennedy

City Clerk

THE CITY OF FORT WAYNE

FORT WAYNE - A WORLD ~ CLASS COMMUNITY

Paul Helmke
Mayor

27 March 1991

COMMUNICATIONS FROM THE CITY PLAN COMMISSION

The Common Council of the
City of Fort Wayne
CityCounty Building
One Main Street
Fort Wayne, IN 46802

Gentlemen and Mrs. Bradbury:

Attached hereto is the recommendation of the City Plan Commission on one (1) ordinance concerning a text amendment to the Zoning Ordinance (General Ordinance No. G-06-80, amending Chapter 33 of the Municipal Code of the City of Fort Wayne, Indiana, 1946.) The proposed ordinance is designated as:

Bill No. G-91-03-14

Respectfully submitted,

CITY PLAN COMMISSION

Certified and signed this
26th day of March 1991.

Robert Hutner
Secretary

337-M

RECYCLED

FACT SHEET

G-91-03-14

BILL NUMBER

Division of Community Development & Planning

BRIEF TITLE	APPROVAL DEADLINE	REASON
Zoning Ordinance Amendment		

DETAILS

Specific Location and/or Address

N/A

Reason for Project

Amends the Zoning Ordinance definition for accessory structure(s) and use(s).

Discussion (Including relationship to other Council actions)

18 March 1991 - Public Hearing

Larry Magliozzi, Senior Planner with Land Use Management, Division of Community & Economic Development appeared before the Commission. Mr. Magliozzi stated that this particular amendment expands the number of accessory uses permitted to include those that have generally been approved by the Board of Zoning Appeals. He stated that in addition it clarifies the language between accessory uses and structures and gives a clear intent of the purpose behind an accessory use or an accessory structure. He stated that the Commission should note that the ordinance was introduced by Council with an upper limit of three (3) accessory structures without having to go to the Board of Zoning Appeals. He stated that they are proposing now that it be reduced to two (2) accessory structures. He stated that the staff report does reflect two (2) accessory structures.

There was no one else present who wished to speak in favor of or in opposition to the proposed text amendment.

POSITIONS	RECOMMENDATIONS
Sponsor	City Plan Commission
Area Affected	**City Wide** **Other Areas**
Applicants/ Proponents	**Applicant(s)** City Plan Commission **City Department** **Other**
Opponents	**Groups or Individuals** **Basis of Opposition**
Staff Recommendation	[X] For [ ] Against **Reason Against**
Board or Commission Recommendation	**By** [X] For [ ] Against [ ] No Action Taken [ ] For with revisions to conditions (See Details column for conditions)
CITY COUNCIL ACTIONS (For Council use only)	[ ] Pass [ ] Other [ ] Pass (as amended) [ ] Hold [ ] Council Sub. [ ] Do not pass

DETAILS

25 March 1991 - Business Meeting

Motion was made and seconded to return the ordinance to the Common Council with a DO PASS recommendation.

Of the eight (8) members present, seven (7) voted in favor of the motion, one (1) did not vote.

Motion carried.

POLICY/PROGRAM IMPACT

Policy or Program Change	☐ No ☐ Yes
Operational Impact Assessment	

(This space for further discussion)

Project Start Date March 4, 1991

Projected Completion or Occupancy Date March 26, 1991

Fact Sheet Prepared by Date March 26, 1991

Patricia Biancaniello

Reviewed by Date 3-28-91

R. Maglio

Reference or Case Number

Proposed text change...Accessory Structure and/or Use

We propose the following text

That Sec. 33-3, subsection (a) Accessory Building and Use be deleted in its entirety and replaced with the following new subsection:

(a) Accessory Structure(s); accessory use(s)

(i) An accessory structure is a combination of up to two (2) structures, that:

a) are clearly incidental to and customarily found in connection with a principle building or use;

b) are subordinate to and serving a principle building or use;

c) are subordinate in total area, extent or purpose to the principle building or use;

d) contribute to the comfort, convenience or necessity of the occupants in the principle building or use;

e) are located on the same lot or development parcel as the principle building;

f) are located between the rear of the main building and the rear lot line, with the exception that a detached garage may be located between the front of the main building and the rear lot line.

(ii) an accessory use is a use that:

a) is clearly incidental to and customarily found in connection with a principle use;

b) is subordinate to and serves a principle use;

c) contributes to the convenience or necessity of the occupants of the principle use; and

d) is located on the same lot or development parcel as the principle use.

Planning Staff Discussion:

The current text defines an accessory building or use as being subordinate to another structure or use located on the same lot and which does not change or alter the character of the premises.

The district classifications then allow an accessory use. The

proposed text change would allow up to two accessory structures, and would set a limitation on the positioning of accessory structures that can be constructed. This would eliminate many of the petitions that are presented to the Board of Zoning Appeals.

Recommendation: Do Pass

COMMUNITY & ECONOMIC DEVELOPMENT

MEMORANDUM

TO: Fort Wayne City Council

FROM: Greg Purcell, Director, Community & Economic Development

DATE: March 12, 1991

SUBJECT: Accessory Structures and Uses - Amendment to the Definition.

The Fort Wayne Plan Commission has initiated several changes to the city's Zoning Ordinance, including text changes that reflect changes in the development environment and map changes that reflect actual land uses. The Commission will solicit public comment on these changes at its regular public hearing on Monday, March 18, 1991, at 7 p.m. in Room 126 of the City-County Building.

The attached Ordinance proposes amending the definition of Accessory Structures and Uses. This amendment to the definition of "accessory structures and uses" expands the number of accessory uses permitted to include those that have generally been approved by the Board of Zoning Appeals. In addition, it clarifies the language between accessory uses and structures and gives a clearer intent of the purpose behind an accessory use or structure.

GP/LPM:gb

RESOLUTION OF ZONING ORDINANCE TEXT AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on March 12, 1991 referred a proposed text amendment, which proposed amendment was designated as Bill No. G-91-03-14; and,

WHEREAS, the required notice of public hearing on such proposed amendment has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed amendment on March 18, 1991.

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this amendment be returned to the Common Council with a DO PASS recommendation based on the Commission's following "Findings of Fact".

(1) the grant will not be injurious to the public health, safety, morals, and general welfare of the community;

(2) the grant does not interfere substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law.

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held on March 25, 1991.

Certified and signed this
26th day of March 1991.

Robert Hutner
Secretary

THE CITY OF FORT WAYNE

FORT WAYNE - A WORLD ~ CLASS COMMUNITY

Paul Helmke
Mayor

26 March 1991

COMMUNICATIONS FROM THE CITY PLAN COMMISSION

The Common Council of the
City of Fort Wayne
CityCounty Building
One Main Street
Fort Wayne, IN 46802

Gentlemen and Mrs. Bradbury:

Attached hereto is the recommendation of the City Plan Commission on one (1) ordinance concerning a text amendment to the Zoning Ordinance (General Ordinance No. G-06-80, amending Chapter 33 of the Municipal Code of the City of Fort Wayne, Indiana, 1946.) The proposed ordinance is designated as:

Bill No. G-91-03-15

Respectfully submitted,

CITY PLAN COMMISSION

Certified and signed this
26th day of March 1991.

Robert Hutner
Secretary

337-M

RECYCLED

FACT SHEET

G-91-03-15
BILL NUMBER

Division of Community Development & Planning

BRIEF TITLE: Zoning Ordinance Amendment

APPROVAL DEADLINE:

REASON:

DETAILS

Specific Location and/or Address

N/A

Reason for Project

Eliminates the Zoning Ordinance text that establishes Interchange Access (IA) developments.

Discussion (Including relationship to other Council actions)

18 March 1991 - Public Hearing

Larry Magliozzi, Senior Planner with Land Use Management, Division of Community & Economic Development appeared before the Commission. Mr. Magliozzi stated that the IA District was established in the mid 1960's with the intent of establishing a unified center for non-residential development within interstate accesses. He stated that with the exception of one development in 1987 all of the other uses currently in IA Districts occurred between 1965 and 1978. The IA District is based on the concept of zoning by symbol. He stated that this concept is no longer finding favor with the courts; therefore, although Fort Wayne's use of the IA Symbol has not been challenged the Plan Commission should seek to modify the Zoning Ordinance before the possibility of litigation.

There was no one else present who wished to speak in favor of or in opposition to the proposed text amendment.

POSITIONS	RECOMMENDATIONS
Sponsor	City Plan Commission
Area Affected	City Wide Other Areas
Applicants/ Proponents	Applicant(s): City Plan Commission City Department Other
Opponents	Groups or Individuals Basis of Opposition
Staff Recommendation	[X] For [ ] Against Reason Against
Board or Commission Recommendation	By [X] For [ ] Against [ ] No Action Taken [ ] For with revisions to conditions (See Details column for conditions)
CITY COUNCIL ACTIONS (For Council use only)	[ ] Pass [ ] Other [ ] Pass (as amended) [ ] Hold [ ] Council Sub. [ ] Do not pass

DETAILS

25 March 1991 - Business Meeting

Motion was made and seconded to return the ordinance to the Common Council with a DO PASS recommendation.

Of the eight (8) members present, seven (7) voted in favor of the motion, one (1) did not vote.

Motion carried.

POLICY/PROGRAM IMPACT

Policy or Program Change	☐ No ☐ Yes
Operational Impact Assessment	

(This space for further discussion)

Project Start **Date** March 4, 1991

Projected Completion or Occupancy **Date** March 26, 1991

Fact Sheet Prepared by **Date** March 26, 1991

Patricia Biancaniello

Reviewed by **Date** 3-28-91

K. Maglioza

Reference or Case Number

COMMUNITY & ECONOMIC DEVELOPMENT

MEMORANDUM

TO: Fort Wayne City Council

FROM: Greg Purcell, Director, Community & Economic Development

DATE: March 12, 1991

SUBJECT: "IA" Interstate Access Center District, Deletion of District and amendment to Zoning Maps

The Fort Wayne Plan Commission has initiated several changes to the city's Zoning Ordinance, including text changes that reflect changes in the development environment and map changes that reflect actual land uses. The Commission will solicit public comment on these changes at its regular public hearing on Monday, March 18, 1991, at 7 p.m. in Room 126 of the City-County Building.

The attached Ordinance proposes the deletion of the "IA" Interstate Access Center District. The IA District was established in the mid 1960's with the intent of establishing a unified center of non-residential uses within a reasonable distance of an Interstate exit. Except for one development in 1987, all other uses zoned under the IA District were developed between 1965 and 1978. The IA District is based on a concept known as "zoning by symbol". This concept is no longer finding favor in the courts. While Fort Wayne's use of the IA symbol has not been challenged, the Plan Commission is seeking to modify the Zoning Ordinance to avoid the possibility of any litigation.

GP/LPM:gb

RESOLUTION OF ZONING ORDINANCE TEXT AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on March 12, 1991 referred a proposed text amendment, which proposed amendment was designated as Bill No. G-91-03-15; and,

WHEREAS, the required notice of public hearing on such proposed amendment has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed amendment on March 18, 1991.

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this amendment be returned to the Common Council with a DO PASS recommendation based on the Commission's following "Findings of Fact".

(1) the grant will not be injurious to the public health, safety, morals, and general welfare of the community;

(2) the grant does not interfere substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law.

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held on March 25, 1991.

Certified and signed this
26th day of March 1991.

Robert Hutner
Secretary

Proposed amendment text....

That Sec. 33-14 (l) IA District, be deleted in its entirety and replaced with the following:

33-14 (l) RESERVED.

Planning Staff Discussion:

In connection with the rezoning of parcels that were developed under the provisions of the IA district, we propose the elimination of the text from the Zoning Ordinance. By marking the place in the text as reserved, we can avoid a total reorganization of the ordinance.

Recommendation: Do Pass

THE CITY OF FORT WAYNE

FORT WAYNE - A WORLD ~ CLASS COMMUNITY

Paul Helmke
Mayor

26 March 1991

COMMUNICATIONS FROM THE CITY PLAN COMMISSION

The Common Council of the
City of Fort Wayne
CityCounty Building
One Main Street
Fort Wayne, IN 46802

Gentlemen and Mrs. Bradbury:

Attached hereto is the recommendation of the City Plan Commission on one (1) ordinance concerning a text amendment to the Zoning Ordinance (General Ordinance No. G-06-80, amending Chapter 33 of the Municipal Code of the City of Fort Wayne, Indiana, 1946.) The proposed ordinance is designated as:

Bill No. G-91-02-19

Respectfully submitted,

CITY PLAN COMMISSION

Certified and signed this
26th day of March 1991.

Robert Hutner
Secretary

337-M

RECYCLED

FACT SHEET

G-91-02-19

BILL NUMBER

Division of Community Development & Planning

BRIEF TITLE: Zoning Ordinance Amendment

APPROVAL DEADLINE:

REASON:

DETAILS

Specific Location and/or Address

N/A

Reason for Project

Modifies the requirements for submittal of an amendment to a previously approved secondary development plan for a B-2 District.

Discussion (Including relationship to other Council actions)

18 March 1991 - Public Hearing

Larry Magliozzi, Senior Planner with Land Use Management, Division of Community & Economic Development appeared before the Commission. Mr. Magliozzi stated that this will change the development plan procedure for B-2 Districts. He stated that the existing text currently requires that signatures of fifty percent (50%) of the property owners of the land area contained in the secondary development plan be obtained as a filing requirement. The amendment will delete this requirement and require only the signature of the interested party, with notification to all other owners within that development.

There was no one else present who wished to speak in favor of or in opposition to the proposed text amendment.

25 March 1991 - Business Meeting

Motion was made and seconded to return the ordinance to the Common Council with a DO PASS recommendation.

POSITIONS	RECOMMENDATIONS
Sponsor	City Plan Commission
Area Affected	City Wide Other Areas
Applicants/ Proponents	Applicant(s) City Plan Commission City Department Other
Opponents	Groups or Individuals Basis of Opposition
Staff Recommendation	[X] For [ ] Against Reason Against
Board or Commission Recommendation	By [X] For [ ] Against [ ] No Action Taken [ ] For with revisions to conditions (See Details column for conditions
CITY COUNCIL ACTIONS (For Council use only)	[ ] Pass [ ] Other [ ] Pass (as amended) [ ] Hold [ ] Council Sub. [ ] Do not pass

DETAILS

Of the eight (8) members present, seven (7) voted in favor of the motion, one (1) did not vote.

Motion carried.

POLICY/PROGRAM IMPACT

Policy or Program Change	☐ No ☐ Yes
Operational Impact Assessment	

(This space for further discussion)

Project Start Date February 8, 1991

Projected Completion or Occupancy Date March 26, 1991

Fact Sheet Prepared by Date March 26, 1991

Patricia Biancaniello

Reviewed by Date 3-28-91

K. Maglizzi

Reference or Case Number

Proposed text change --- B-2 Districts

We propose the following language as an amendment to Sec 33-14 (f) (8)

a. (i) Primary and secondary development plans shall be submitted and accompanied with an application on forms prescribed by the Plan Commission, complete with the signature of one hundred (100) per cent of the owners of record of the tract involved, and shall have been prepared in accordance with the provisions of this ordinance as well as the recommendations of the preapplication discussion. After approval of the primary development plan is granted by the commission, any amendments thereto made prior to secondary development plan approval by the commission shall be shown on a form prescribed by the commission and shall contain the signature of the original developers (or successors to the original developers) and need not contain signatures of all real property owners within the development. After secondary development plan approval is granted by the commission, then further amendments thereto shall be shown on a form prescribed by the commission.

(ii) Any property owner within the development may file an amendment to an approved secondary development plan provided that they place on notice, by certified return receipt mail, all of the other owners of record of the real estate contained in the development. Receipt of such notice along with an owners address list must be furnished to the Plan Commission prior to the scheduled meeting.

Planning Staff Discussion:

The existing text requires that signatures representing fifty per cent (50%) of the land area contained in the secondary development plan as a filing requirement. We have been made aware of some cases where an individual owner refuses to sign, effectively preventing the filing of an amendment. Staff believes that after a secondary development plan has been approved, further amendments should be "by-right" of the individual property owner, subject only to Plan Commission approval of the proposed amendment. Discussion with legal counsel has confirmed this opinion, and we have prepared the above text.

The proposed text recognizes the property owners right to development subject to plan approval, and requires certified notice be given to the other property owners.

Recommendation: Approval.

1) Approval provides for equal treatment of all property owners within the district.

RESOLUTION OF ZONING ORDINANCE TEXT AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on February 12, 1991 referred a proposed text amendment, which proposed amendment was designated as Bill No. G-91-02-19; and,

WHEREAS, the required notice of public hearing on such proposed amendment has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed amendment on March 18, 1991.

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this amendment be returned to the Common Council with a DO PASS recommendation based on the Commission's following "Findings of Fact".

(1) the grant will not be injurious to the public health, safety, morals, and general welfare of the community;

(2) the grant does not interfere substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law.

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held on March 25, 1991.

Certified and signed this
26th day of March 1991.

Robert Hutner
Secretary

THE CITY OF FORT WAYNE

FORT WAYNE - A WORLD - CLASS COMMUNITY

Paul Helmke
Mayor

27 March 1991

COMMUNICATIONS FROM THE CITY PLAN COMMISSION

The Common Council of the
City of Fort Wayne
CityCounty Building
One Main Street
Fort Wayne, IN 46802

Gentlemen and Mrs. Bradbury:

Attached hereto is the recommendation of the City Plan Commission on one (1) ordinance concerning the amendment of the Zoning Ordinance (General Ordinance No. G-06-80, amending Chapter 33 of the Municipal Code of the City of Fort Wayne, Indiana, 1946.) The proposed ordinance is designated as:

Bill No. Z-91-03-11

Respectfully submitted,

CITY PLAN COMMISSION

Certified and signed this
27th day of March 1991.

Robert Hutner
Secretary

337-M

RECYCLED

FACT SHEET

Z-91-03-11
BILL NUMBER

Division of Community Development & Planning

BRIEF TITLE: Zoning Map Amendment From IA to B-1-B

APPROVAL DEADLINE:

REASON:

DETAILS

Specific Location and/or Address

1313, 1333, 1401, 1425 & 1535 W Washington Center Road

Reason for Project

Elimination of the IA District.

Discussion (Including relationship to other Council actions)

18 March 1991 - Public Hearing

Wayne O'Brien, Planner II with Community & Economic Development stated that the staff is proposing to eliminate the IA text. He stated that this is one of five areas in the city that was developed under the provisions of the IA District. He stated that this area is immediately east of Lima Road on the south side of Washington Center Road. It consists of approximately 12 acres that have been developed, and includes a service station, an Econo Travel Lodge, Kentucky Fried Chicken and at the far east end the Don Hall's Guest House. He stated that this reclassification will not create any non-conforming uses by being reclassified to B-1-B District.

There was no one else present who wished to speak in favor of or in opposition to the proposed rezoning.

POSITIONS	RECOMMENDATIONS
Sponsor	City Plan Commission
Area Affected	City Wide Other Areas
Applicants/ Proponents	Applicant(s) City Plan Commission City Department Other
Opponents	Groups or Individuals Basis of Opposition
Staff Recommendation	[X] For [ ] Against Reason Against
Board or Commission Recommendation	By [X] For [ ] Against [ ] No Action Taken [ ] For with revisions to conditions (See Details column for condition
CITY COUNCIL ACTIONS (For Council use only)	[ ] Pass [ ] Other [ ] Pass (as amended) [ ] Hold [ ] Council Sub. [ ] Do not pas

DETAILS

25 March 1991 - Business Meeting

Motion was made and seconded to return the ordinance to the Common Council with a DO PASS recommendation.

Of the eight (8) members present, seven (7) members voted in favor of the motion, one (1) did not vote.

Motion carried.

POLICY/PROGRAM IMPACT

Policy or Program Change	☐ No ☐ Yes
Operational Impact Assessment	

(This space for further discussion)

Project Start Date 11 February 1991

Projected Completion or Occupancy Date 27 March 1991

Fact Sheet Prepared by Date 27 March 1991

Patricia Biancaniello

Reviewed by Date 3-28-91

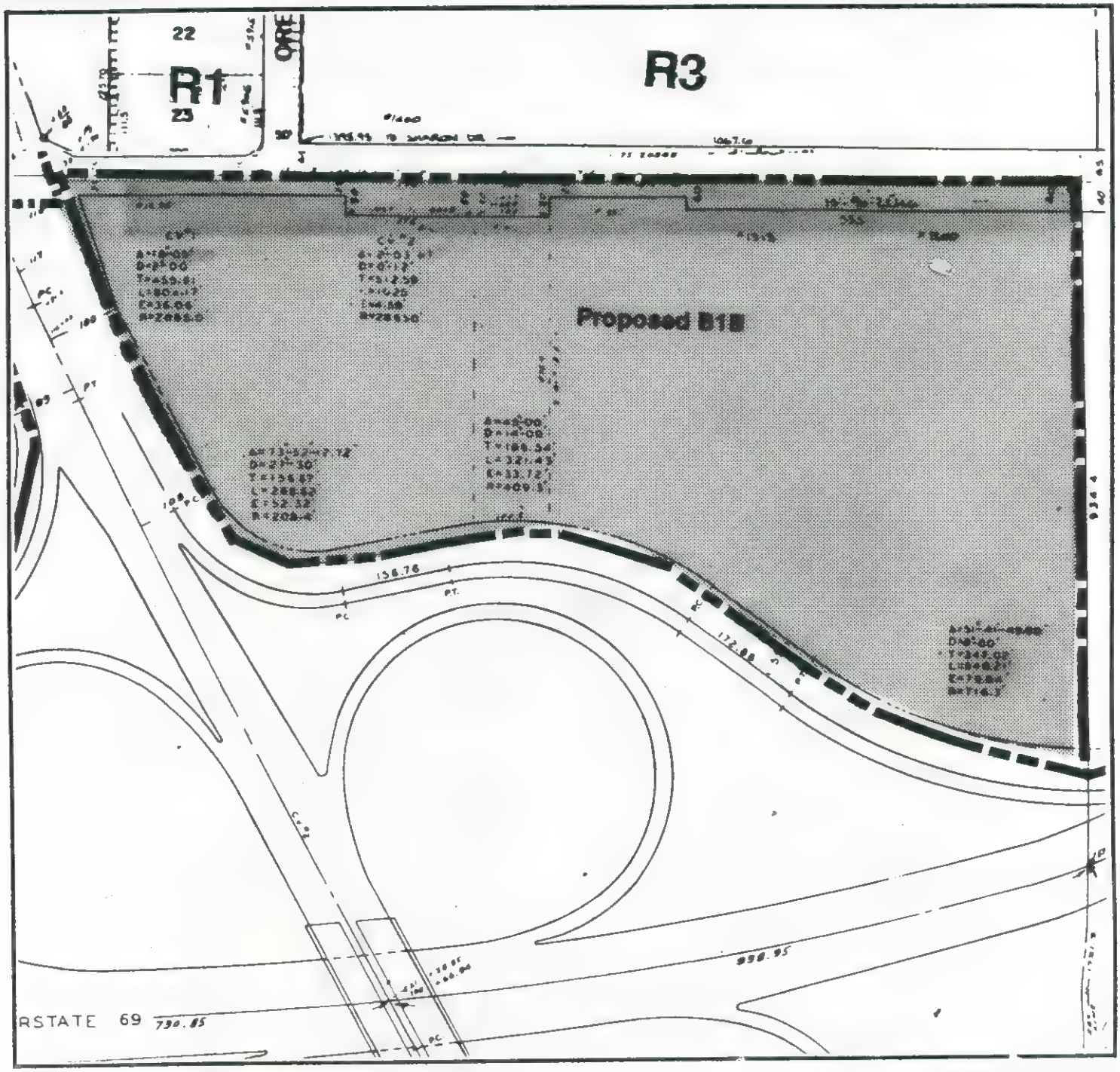
R. Maglione

Reference or Case Number

REZONING PETITION

AREA MAP

CASE NO. #461



COUNCILMANIC DISTRICT NO. 3

Map No.: K-34
LW 2-22-91

R1	One-Family	**B1**	Limited Business	**M1**	Light Industrial
R2	Two-Family	**B2**	Planned Shopping Center	**M2**	General Industrial
R3	Multi-Family	**B3**	General Business	**M3**	Heavy Industrial
RA/RB	Residential	**B4**	Roadside Business	**IA**	Interchange Access
PUD	Planned Unit Dev.	**POD**	Professional Office District	**MHP**	Mobile Home Park

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on March 12, 1991 referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated Bill No. Z-91-03-11; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on March 18, 1991.

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO PASS recommendation based on the Commission's following "Findings of Fact":

(1) the grant will not be injurious to the public health, safety, morals, and general welfare of the community;

(2) the use or value of the area adjacent to the property included in the rezoning will not be affected in a substantially adverse manner;

(3) the need for the rezoning arises from some condition peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;

(4) the strict application of the terms of the zoning ordinance will constitute an unusual and unnecessary hardship if applied to the property for which the rezoning is sought; and,

(5) the grant does not interfere substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law.

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resoluton adopted at the meeting of the Fort Wayne City Plan Commission held March 25, 1991.

Certified and signed this
27th day of March 1991.

Robert Huther
Secretary

The Fort Wayne City Plan Commission requests a change of zone from IA to B-1-B. (Washington Center Rd East of Lima Rd)

Location:	1313-1333-1401-1425-1535 Washington Center Road		
Legal:	See File		
Land Area:	Approximately 12 acres		
Zoning:	IA		
Surroundings:	North	B1B/R-1	Residential
	South	I-69	
	East	B-1-B	Commercial
	West	IA/M-1	Commercial

Reason for Request: Elimination of the IA District.

Neighborhood Assoc.: None

Comprehensive Plan: The general land use policies of the Comprehensive Plan states that development proposals should be compatible with existing and planned land uses and should not establish an undesirable precedent in the area to be developed.

This project is located within the North Sector of the Outer Ring. The goal of the Outer Ring is to encourage growth in a balanced manner that is within or adjacent to existing development in the urban service area.

Since this rezoning is for the main purpose of updating the present zoning ordinance and the present use of the property is not proposed to change we feel that there would be no impact on the comprehensive values for this area.

Neighborhood Plan: No comment.

Landscape: No comment.

Planning Staff Discussion:

This development is located on the south side of Washington Center Road and runs approximately 1350 feet from the

intersection of Lima Road.

This development area currently consists of a Standard Oil station, a Kentucky Fried Chicken, Econo-Travel, McDonalds and Hall's Guest House. There is both B-1-B and residential zoning to the north, with B-1-B to the east, M-1 to the west, and the interstate to the south.

Rezoning this area to B-1-B is appropriate, as it would allow the current uses, and still offer some degree of protection for the residential uses to the north.

Recommendation: Do Pass

1) Approval would be consistent with the zonings in the immediate area.

2) Approval would be consistent with the Comprehensive Plan.

3) Approval will not create any legal non-conforming uses.

THE CITY OF FORT WAYNE

FORT WAYNE - A WORLD - CLASS COMMUNITY

Paul Helmke
Mayor

27 March 1991

COMMUNICATIONS FROM THE CITY PLAN COMMISSION

The Common Council of the
City of Fort Wayne
CityCounty Building
One Main Street
Fort Wayne, IN 46802

Gentlemen and Mrs. Bradbury:

Attached hereto is the recommendation of the City Plan Commission on one (1) ordinance concerning the amendment of the Zoning Ordinance (General Ordinance No. G-06-80, amending Chapter 33 of the Municipal Code of the City of Fort Wayne, Indiana, 1946.) The proposed ordinance is designated as:

Bill No. Z-91-03-09

Respectfully submitted,

CITY PLAN COMMISSION

Certified and signed this
27th day of March 1991.

Robert Huther
Secretary

337-M

RECYCLED

FACT SHEET

Z-91-03-09

BILL NUMBER

Division of Community Development & Planning

BRIEF TITLE: Zoning Map Amendment From IA to M-1

APPROVAL DEADLINE:

REASON:

DETAILS

Specific Location and/or Address

1609 & 1619 W Washington Ctr Road

Reason for Project

Elimination of the IA Districts.

Discussion (Including relationship to other Council actions)

18 March 1991 - Public Hearing

Wayne O'Brien, Planner II with Community & Economic Development stated that the staff is proposing to eliminate the IA text. He stated that this is one of five areas in the city that was developed under the provisions of the IA District. He stated that the parcel consists of 6.39 acres and currently is fully developed and houses the Carlton Lodge and the Cracker Barrell Restaurant. He stated that this property was originally zoned M-1 and the staff is proposing a rezoning from the IA Symbol back to the M-1 District. He stated that the developed uses would be compatible with that classification. He stated that the city would not be creating any non-conforming uses.

There was no one else present who wished to speak in favor of or in opposition to the proposed rezoning.

POSITIONS	RECOMMENDATIONS
Sponsor	City Plan Commission
Area Affected	City Wide Other Areas
Applicants/ Proponents	Applicant(s) City Plan Commission City Department Other
Opponents	Groups or Individuals Basis of Opposition
Staff Recommendation	[X] For [ ] Against Reason Against
Board or Commission Recommendation	By [X] For [ ] Against [ ] No Action Taken [ ] For with revisions to conditions (See Details column for conditions
CITY COUNCIL ACTIONS (For Council use only)	[ ] Pass [ ] Other [ ] Pass (as amended) [ ] Hold [ ] Council Sub. [ ] Do not pass

DETAILS

25 March 1991 - Business Meeting

Motion was made and seconded to return the ordinance to the Common Council with a DO PASS recommendation.

Of the eight (8) members present, seven (7) voted in favor of the motion, one (1) did not vote.

Motion carried.

POLICY/PROGRAM IMPACT

Policy or Program Change	☐ No ☐ Yes
Operational Impact Assessment	

(This space for further discussion)

Project Start Date February 11, 1991

Projected Completion or Occupancy Date March 27, 1991

Fact Sheet Prepared by Date March 27, 1991

Patricia Biancaniello

Reviewed by Date 3-28-91

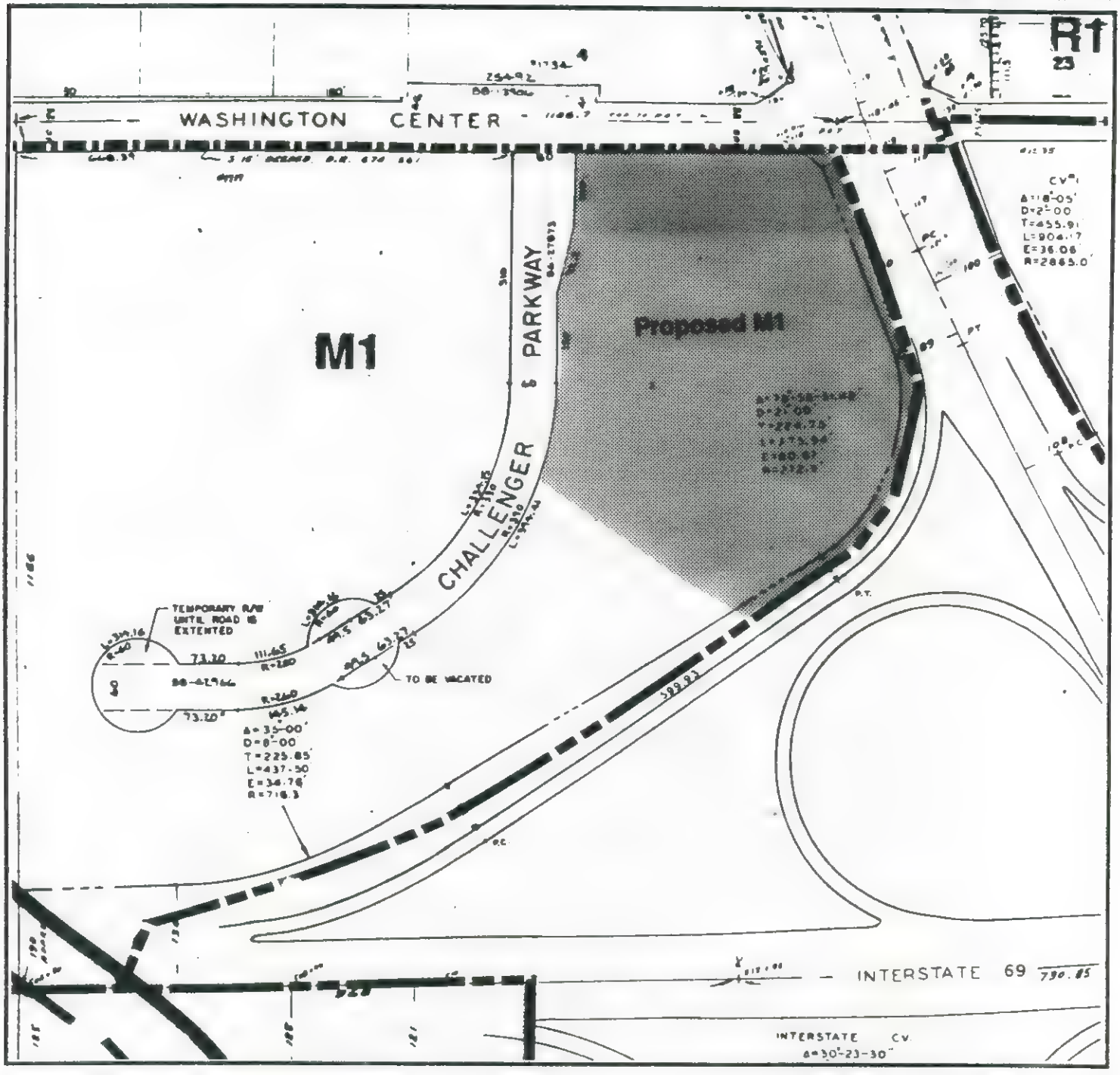
L. Maglioz

Reference or Case Number

REZONING PETITION

AREA MAP

CASE NO. #458



COUNCILMANIC DISTRICT NO. **3**

Map No.: K-34
LW 2-22-91

R1	One-Family	**B1**	Limited Business	**M1**	Light Industrial
R2	Two-Family	**B2**	Planned Shopping Center	**M2**	General Industrial
R3	Multi-Family	**B3**	General Business	**M3**	Heavy Industrial
RA/RB	Residential	**B4**	Roadside Business	**IA**	Interchange Access
PUD	Planned Unit Dev.	**POD**	Professional Office District	**MHP**	Mobile Home Park

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on March 12, 1991 referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated Bill No. Z-91-03-09; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on March 18, 1991.

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO PASS recommendation based on the Commission's following "Findings of Fact":

(1) the grant will not be injurious to the public health, safety, morals, and general welfare of the community;

(2) the use or value of the area adjacent to the property included in the rezoning will not be affected in a substantially adverse manner;

(3) the need for the rezoning arises from some condition peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;

(4) the strict application of the terms of the zoning ordinance will constitute an unusual and unnecessary hardship if applied to the property for which the rezoning is sought; and,

(5) the grant does not interfere substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law.

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resoluton adopted at the meeting of the Fort Wayne City Plan Commission held March 25, 1991.

Certified and signed this
27th day of March 1991.

Robert Hutner
Secretary

The Fort Wayne City Plan Commission requests a change of zone from IA to M-1. (Cracker Barrel / Carlton Lodge)

Location:	1609 & 1619 Washington Center Road		
Legal:	See file		
Land Area:	Approximately 6.39 acres		
Zoning:	IA		
Surroundings:	North	County	Commercial
	South	I-69	M-2 zoning south
	East	IA	Commercial
	West	M-1	Hotels/Motel

Reason for Request: Elimination of the IA district.

Neighborhood Assoc.: None

Comprehensive Plan: The general land use policies of the Comprehensive Plan states that development proposals should be compatible with existing and planned land uses and should not establish an undesirable precedent in the area to be developed.

This project is located within the Northwest Sector of the Outer Ring. The goal of the Outer Ring is to encourage growth in a balanced manner that is within or adjacent to existing development in the urban service area.

Since this rezoning is for the main purpose of updating the present zoning ordinance and the present use of the property is not proposed to change we feel that there would be no impact on the comprehensive values for this area.

Neighborhood Plan: No comment.

Landscape: No comment.

Planning Staff Discussion:

This development is located at the southwest corner of Lima Road and Washington Center Road, and contains approximately 6.39 acres of ground. Cracker Barrel and Carlton Lodge are the only developments on this two parcel site. Staff believes that this

rezoning in 1987 was initiated to take advantage of the provisions of the Sign Ordinance regarding sign height.

The immediate area is zoned M-1. The south boundary of this site is the I-69 interchange, and the north side of the road is under the jurisdiction of the Allen County Plan Commission, and will be developed with commercial and industrial uses.

Recommendation: Do Pass

1) Approval would be consistent with the zonings in the immediate area.

2) Approval would be consistent with the Comprehensive Plan.

3) Approval will not create any legal non-conforming uses.

THE CITY OF FORT WAYNE

FORT WAYNE - A WORLD - CLASS COMMUNITY

Paul Helmke
Mayor

27 March 1991

COMMUNICATIONS FROM THE CITY PLAN COMMISSION

The Common Council of the
City of Fort Wayne
CityCounty Building
One Main Street
Fort Wayne, IN 46802

Gentlemen and Mrs. Bradbury:

Attached hereto is the recommendation of the City Plan Commission on one (1) ordinance concerning the amendment of the Zoning Ordinance (General Ordinance No. G-06-80, amending Chapter 33 of the Municipal Code of the City of Fort Wayne, Indiana, 1946.) The proposed ordinance is designated as:

Bill No. Z-91-03-12

Respectfully submitted,

CITY PLAN COMMISSION

Certified and signed this
27th day of March 1991.

Robert Hutner
Secretary

FACT SHEET

Z-91-03-12

BILL NUMBER

Division of Community Development & Planning

BRIEF TITLE

Zoning Map Amendment

From IA to B-1-B

APPROVAL DEADLINE

REASON

DETAILS

Specific Location and/or Address

221, 305 & 333 E Washington Ctr Road

Reason for Project

Elimination of the IA District.

Discussion (Including relationship to other Council actions)

18 March 1991 - Public Hearing

Wayne O'Brien, Planner II with Community & Economic Development stated that the staff is proposing to eliminate the IA text. He stated that this is one of five areas in the city that was developed under the provisions of the IA District. He stated that they are proposing to reclassify this area to a B-1-B District. He stated that this area consists of approximately 11.36 acres. He stated that the existing development is the Marriot Inn and Arby's and the Cork & Cleaver. He stated that the reclassification will not create any non-conforming uses and the zoning would be compatible with the other uses in the vicinity.

There was no one else present who wished to speak in favor of or in opposition to the proposed rezoning.

POSITIONS	RECOMMENDATIONS
Sponsor	City Plan Commission
Area Affected	City Wide Other Areas
Applicants/ Proponents	Applicant(s) City Plan Commission City Department Other
Opponents	Groups or Individuals Basis of Opposition
Staff Recommendation	[X] For [ ] Against Reason Against
Board or Commission Recommendation	By [X] For [ ] Against [ ] No Action Taken [ ] For with revisions to conditions (See Details column for conditions
CITY COUNCIL ACTIONS (For Council use only)	[ ] Pass [ ] Other [ ] Pass (as amended) [ ] Hold [ ] Council Sub. [ ] Do not pass

DETAILS

25 March 1991 - Business Meeting

Motion was made and seconded to return the ordinance to the Common Council with a DO PASS recommendation.

Of the eight (8) members present, seven (7) voted in favor of the motion, one (1) did not vote.

Motion carried.

POLICY/PROGRAM IMPACT

Policy or Program Change	☐ No ☐ Yes
Operational Impact Assessment	

(This space for further discussion)

Project Start — Date 11 February 1991

Projected Completion or Occupancy — Date 27 March 1991

Fact Sheet Prepared by — Date 27 March 1991

Patricia Biancaniello

Reviewed by — Date 3-28-91

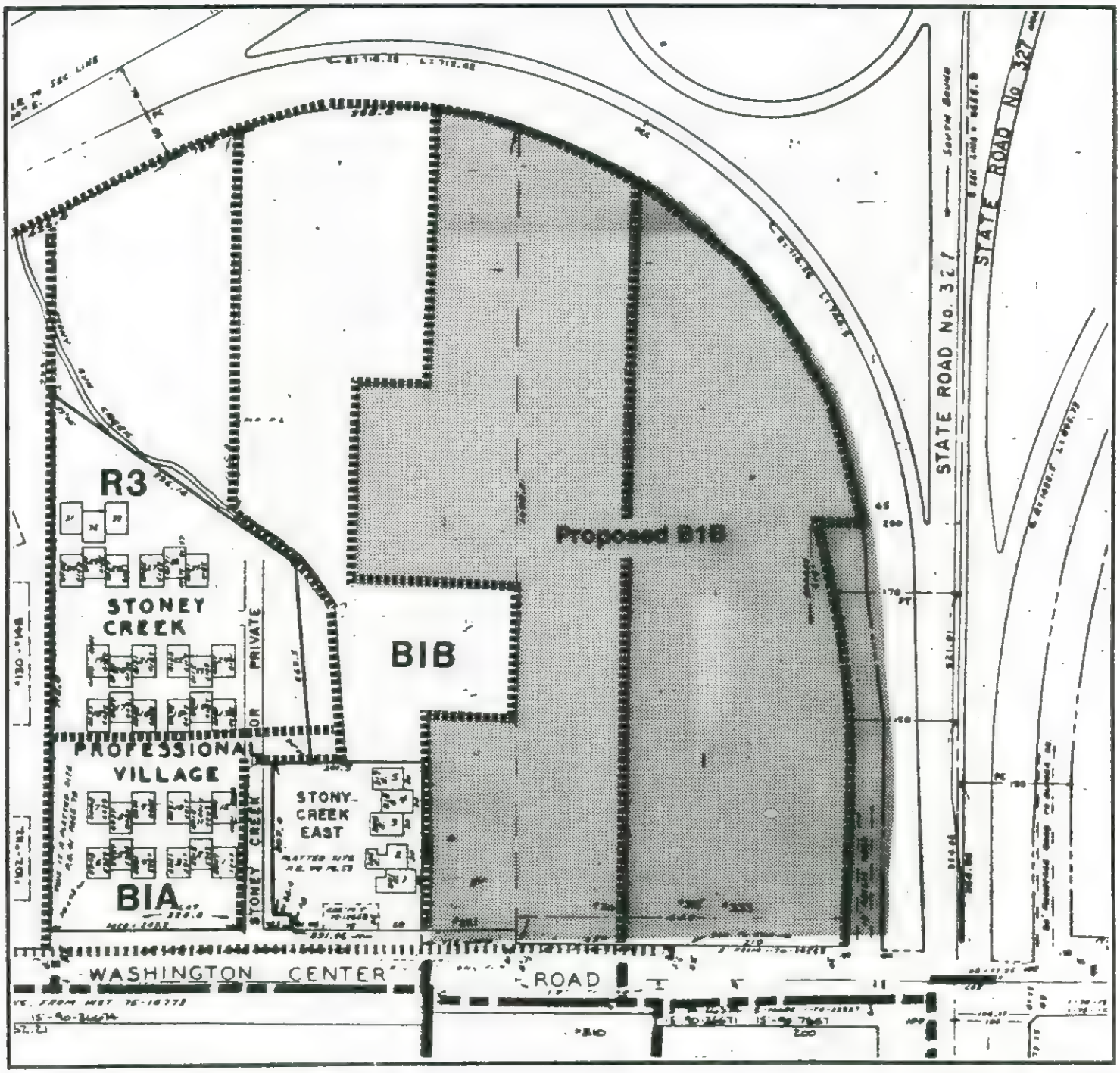
R. Maglioz

Reference or Case Number

REZONING PETITION

AREA MAP

CASE NO. #460



COUNCILMANIC DISTRICT NO. 3

Map No.: M-38
LW 2-22-91

R1	One-Family	**B1**	Limited Business	**M1**	Light Industrial
R2	Two-Family	**B2**	Planned Shopping Center	**M2**	General Industrial
R3	Multi-Family	**B3**	General Business	**M3**	Heavy Industrial
RA/RB	Residential	**B4**	Roadside Business	**IA**	Interchange Access
PUD	Planned Unit Dev.	**POD**	Professional Office District	**MHP**	Mobile Home Park

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on March 12, 1991 referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated Bill No. Z-91-03-12; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on March 18, 1991.

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO PASS recommendation based on the Commission's following "Findings of Fact":

(1) the grant will not be injurious to the public health, safety, morals, and general welfare of the community;

(2) the use or value of the area adjacent to the property included in the rezoning will not be affected in a substantially adverse manner;

(3) the need for the rezoning arises from some condition peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;

(4) the strict application of the terms of the zoning ordinance will constitute an unusual and unnecessary hardship if applied to the property for which the rezoning is sought; and,

(5) the grant does not interfere substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law.

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resoluton adopted at the meeting of the Fort Wayne City Plan Commission held March 15, 1991.

Certified and signed this
27th day of March 1991.

Robert Hutner
Secretary

The Fort Wayne City Plan Commission requests a change of zone from IA to B-1-B. (Marriott Area)

Location:	221-305-333 Washington Center Road		
Legal:	See file		
Land Area:	Approximately 11.36 acres		
Zoning:	IA		
Surroundings:	North	I-69	
	South	B-2-D	Commercial
	East	RA	Open
	West	R-3/B1A	Offices
Reason for Request:	Elimination of the IA District.		
Neighborhood Assoc.:	None		

Comprehensive Plan: The general land use policies of the Comprehensive Plan states that development proposals should be compatible with existing and planned land uses and should not establish an undesirable precedent in the area to be developed.

This project is located within the North Sector of the Outer Ring. The goal of the Outer Ring is to encourage growth in a balanced manner that is within or adjacent to existing development in the urban service area.

Since this rezoning is for the main purpose of updating the present zoning ordinance and the present use of the property is not proposed to change we feel that there would be no impact on the comprehensive values for this area.

Neighborhood Plan: No comment.

Landscape: No comment.

Planning Staff Discussion:

This development is located at the northwest corner of Coldwater Road and Washington Center Roads, and consists of the Marriott Hotel, Arby's, and the Cork & Cleaver.

The north boundary is the I-69 interchange, with Coldwater Road as the west boundary. To the east is an office development that is zoned either R-3 (with BZA approval) or B-1-A, and to the south is the Coldwater Crossing development.

It is appropriate to reclassify this ground as B-1-B as that would be compatible with the existing uses, and would not create any legal non-conforming parcels.

Recommendation: Do Pass

1) Approval would be consistent with the zonings in the immediate area.

2) Approval would be consistent with the Comprehensive Plan.

3) Approval will not create any legal non-conforming uses.

THE CITY OF FORT WAYNE

FORT WAYNE - A WORLD - CLASS COMMUNITY

Paul Helmke
Mayor

27 March 1991

COMMUNICATIONS FROM THE CITY PLAN COMMISSION

The Common Council of the
City of Fort Wayne
CityCounty Building
One Main Street
Fort Wayne, IN 46802

Gentlemen and Mrs. Bradbury:

Attached hereto is the recommendation of the City Plan Commission on one (1) ordinance concerning the amendment of the Zoning Ordinance (General Ordinance No. G-06-80, amending Chapter 33 of the Municipal Code of the City of Fort Wayne, Indiana, 1946.) The proposed ordinance is designated as:

Bill No. Z-91-03-10

Respectfully submitted,

CITY PLAN COMMISSION

Certified and signed this
27th day of March 1991.

Robert Hutner
Secretary

337-M

RECYCLED

FACT SHEET

Z-91-03-10
BILL NUMBER

Division of Community Development & Planning

BRIEF TITLE	APPROVAL DEADLINE	REASON
Zoning Map Amendment From IA to B-1-B		

DETAILS

Specific Location and/or Address

5701, 5811 & 5823 Coldwater Road

Reason for Project

Elimination of IA District.

Discussion (Including relationship to other Council actions)

18 March 1991 - Public Hearing

Wayne O'Brien, Planner II with Community & Economic Development stated that the staff is proposing to eliminate the IA text. He stated that this is one of five areas in the city that was developed under the provisions of the IA District. He stated that they are proposing to reclassify this area to a B-1-B District. He stated it is located on the southwest corner of Washington Center & Coldwater Roads and is approximately 4.8 acres of ground. He stated that it currently has a service station, Don Hall's Factory and a Wendy's on the property. He stated that the rezoning will be compatible with the surrounding area and will not create any non-conforming uses.

There was no one else present who wished to speak in favor of or in opposition to the proposed rezoning.

POSITIONS	RECOMMENDATIONS
Sponsor	City Plan Commission
Area Affected	City Wide Other Areas
Applicants/ Proponents	Applicant(s) City Plan Commission City Department Other
Opponents	Groups or Individuals Basis of Opposition
Staff Recommendation	[X] For [ ] Against Reason Against
Board or Commission Recommendation	By [X] For [ ] Against [ ] No Action Taken [ ] For with revisions to conditions (See Details column for conditions
CITY COUNCIL ACTIONS (For Council use only)	[ ] Pass [ ] Other [ ] Pass (as amended) [ ] Hold [ ] Council Sub. [ ] Do not pass

DETAILS

25 March 1991 - Business Meeting

Motion was made and seconded to return the ordinance to the Common Council with a DO PASS recommendation.

Of the eight (8) members present, seven (7) voted in favor of the motion, one (1) did not vote.

Motion carried.

POLICY/PROGRAM IMPACT

Policy or Program Change	☐ No ☐ Yes
Operational Impact Assessment	

(This space for further discussion)

Project Start **Date** 11 February 1991

Projected Completion or Occupancy **Date** 27 March 1991

Fact Sheet Prepared by **Date** 27 March 1991

Patricia Biancaniello

Reviewed by **Date** 3-28-91

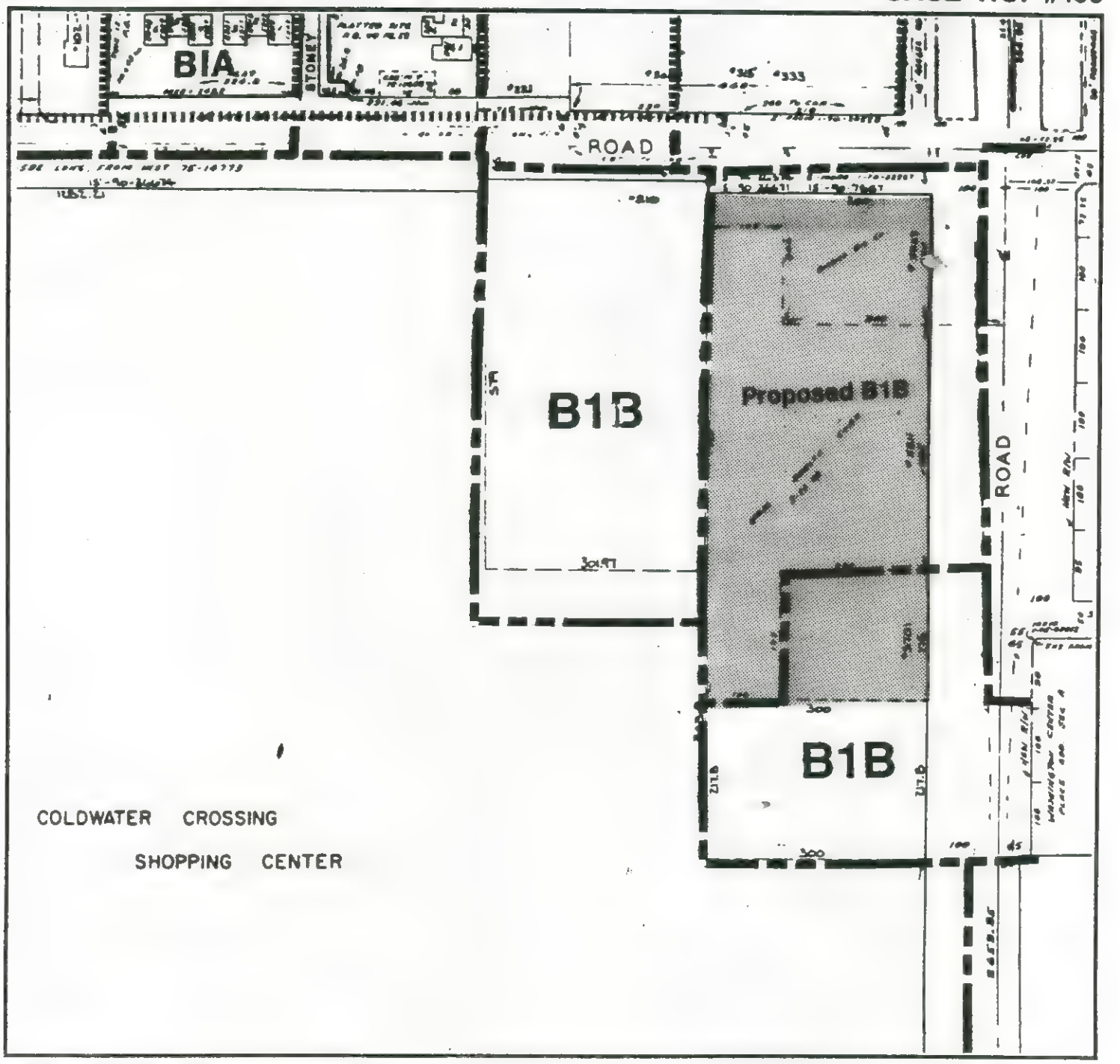
K. Mag 1033

Reference or Case Number

REZONING PETITION

AREA MAP

CASE NO. #459



COUNCILMANIC DISTRICT NO. 3

Map No.: M-34
LW 2-22-91

R1	One-Family	**B1**	Limited Business	**M1**	Light Industrial
R2	Two-Family	**B2**	Planned Shopping Center	**M2**	General Industrial
R3	Multi-Family	**B3**	General Business	**M3**	Heavy Industrial
RA/RB	Residential	**B4**	Roadside Business	**IA**	Interchange Access
PUD	Planned Unit Dev.	**POD**	Professional Office District	**MHP**	Mobile Home Park

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on March 12, 1991 referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated Bill No. Z-91-03-10; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on March 18, 1991.

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO PASS recommendation based on the Commission's following "Findings of Fact":

(1) the grant will not be injurious to the public health, safety, morals, and general welfare of the community;

(2) the use or value of the area adjacent to the property included in the rezoning will not be affected in a substantially adverse manner;

(3) the need for the rezoning arises from some condition peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;

(4) the strict application of the terms of the zoning ordinance will constitute an unusual and unnecessary hardship if applied to the property for which the rezoning is sought; and,

(5) the grant does not interfere substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law.

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resoluton adopted at the meeting of the Fort Wayne City Plan Commission held March 25, 1991.

Certified and signed this
27th day of March 1991.

Robert Hutner
Secretary

The Fort Wayne City Plan Commission requests a change of zone from IA to B-1-B. (Don Hall's Factory Area)

Location: 5701-5811-5823 Coldwater Road

Legal: See file

Land Area: Approximately 4.8 acres

Zoning: IA

Surroundings:

North	IA	Commercial
South	B-1-B	Commercial
East	IA	Commercial
West	B-2-D	Commercial

Reason for Request: Elimination of the IA District.

Neighborhood Assoc.: None

Comprehensive Plan: The general land use policies of the Comprehensive Plan states that development proposals should be compatible with existing and planned land uses and should not establish an undesirable precedent in the area to be developed.

This project is located within the North Sector of the Outer Ring. The goal of the Outer Ring is to encourage growth in a balanced manner that is within or adjacent to existing development in the urban service area.

Since this rezoning is for the main purpose of updating the present zoning ordinance and the present use of the property is not proposed to change we feel that there would be no impact on the comprehensive values for this area.

Neighborhood Plan: No comment.

Landscape: No comment.

Planning Staff Discussion:

This development is located at the southwest corner of Coldwater and Washington Center Roads, and consists of Amoco Oil, Halls "The Factory", and Wendy's.

To the north is the Marriott development, to the south is B-1-B zoning, to the east is the Knapp's development, and to the west is the Coldwater Crossing development (B-2-D) and Chi-Chi's (B-1-B).

It is appropriate to rezone these parcels to B-1-B based on the existing zoning classifications of the adjacent land. All existing uses would be permitted within the B-1-B classification.

Recommendation: Do Pass

1) Approval would be consistent with the zonings in the immediate area.

2) Approval would be consistent with the Comprehensive Plan.

3) Approval will not create any legal non-conforming uses.

THE CITY OF FORT WAYNE

FORT WAYNE - A WORLD - CLASS COMMUNITY

Paul Helmke
Mayor

27 March 1991

COMMUNICATIONS FROM THE CITY PLAN COMMISSION

The Common Council of the
City of Fort Wayne
CityCounty Building
One Main Street
Fort Wayne, IN 46802

Gentlemen and Mrs. Bradbury:

Attached hereto is the recommendation of the City Plan Commission on one (1) ordinance concerning the amendment of the Zoning Ordinance (General Ordinance No. G-06-80, amending Chapter 33 of the Municipal Code of the City of Fort Wayne, Indiana, 1946.) The proposed ordinance is designated as:

Bill No. Z-91-03-16

Respectfully submitted,

CITY PLAN COMMISSION

Certified and signed this
27th day of March 1991.

Robert Hutner
Secretary

337-M

RECYCLED

FACT SHEET

Z-91-03-16
BILL NUMBER

Division of Community Development & Planning

BRIEF TITLE
Zoning Map Amendment
From IA/RA/B-1-B to B-1-B

APPROVAL DEADLINE

REASON

DETAILS

Specific Location and/or Address
5526, 5608, 5618, 5820 & 5830 Coldwater Road

Reason for Project

Elimination of the IA District.

Discussion (Including relationship to other Council actions)

18 March 1991 - Public Hearing

Wayne O'Brien, Planner II with Community & Economic Development stated that the staff is proposing to eliminate the IA text. He stated that this is one of five areas in the city that was developed under the provisions of the IA District. He stated that they are proposing to reclassify this area to a B-1-B District. He stated that the southeast corner of Washington Ctr & Coldwater Roads contains approximately 5.17 acres. He stated that it currently houses a service station, Bill Knapp's and an open parcel of ground that is controlled by Knapp development. He stated that there is a public street that runs through the property and the House of Hunan. He stated that there is an individual "island" in the middle of this commercial area that has a residential zoning. He stated that they are proposing that this be included because it would clear up the zoning classifications on this stretch of the road and give the area a continuity. He stated that this zoning would not create any non-conforming uses.

He further stated that the staff has looked

POSITIONS	RECOMMENDATIONS
Sponsor	City Plan Commission
Area Affected	**City Wide** **Other Areas**
Applicants/ Proponents	**Applicant(s)** City Plan Commission **City Department** **Other**
Opponents	**Groups or Individuals** Leroy Blough, 5526 Coldwater **Basis of Opposition** -rezoning would have a detrimental effect on his property
Staff Recommendation	[X] For [ ] Against **Reason Against**
Board or Commission Recommendation	**By** [X] For [ ] Against [ ] No Action Taken [ ] For with revisions to conditions (See Details column for conditions
CITY COUNCIL ACTIONS (For Council use only)	[ ] Pass [ ] Other [ ] Pass (as amended) [ ] Hold [ ] Council Sub. [ ] Do not pass

DETAILS

very carefully at the uses that are established and with the exception of the open ground immediately to the south of the Bill Knapp Restaurant site, all of the ground is developed.

Leroy Blough, 5526 Coldwater Road, stated that he owned the property that was located south of the Bill Knapp's Restaurant that is zoned residentially. He stated that his property runs 850 feet off of Coldwater Road and if they rezone just a portion of it (260 feet of the property will be zoned B-1-B) he felt that would ruin the entire parcel of land. He stated that he was very much against the rezoning.

Mr. O'Brien stated that he would like to point out that although the B-1-B classification is intended for commercial and retail uses, residential uses are permitted within that district. He stated that as long as Mr. Blough continues to own that property there will be no problem as far as the use he currently has there. He stated that if the rezoning is approved and Mr. Blough proposed something commercial in that frontage, it would also be acceptable.

There was no one else present who wished to speak in favor of or in opposition to the proposed rezoning.

25 March 1991 - Business Meeting

Motion was made and seconded to return the ordinance to the Common Council with a DO PASS recommendation.

POLICY/PROGRAM IMPACT

Policy or Program Change	☐ No ☐ Yes
Operational Impact Assessment	

(This space for further discussion)

Of the eight (8) members present, seven (7) voted in favor of the motion, one (1) did not vote.

Motion carried.

Project Start **Date** 11 February 1991

Projected Completion or Occupancy **Date** 27 March 1991

Fact Sheet Prepared by **Date** 27 March 1991
Patricia Biancaniello

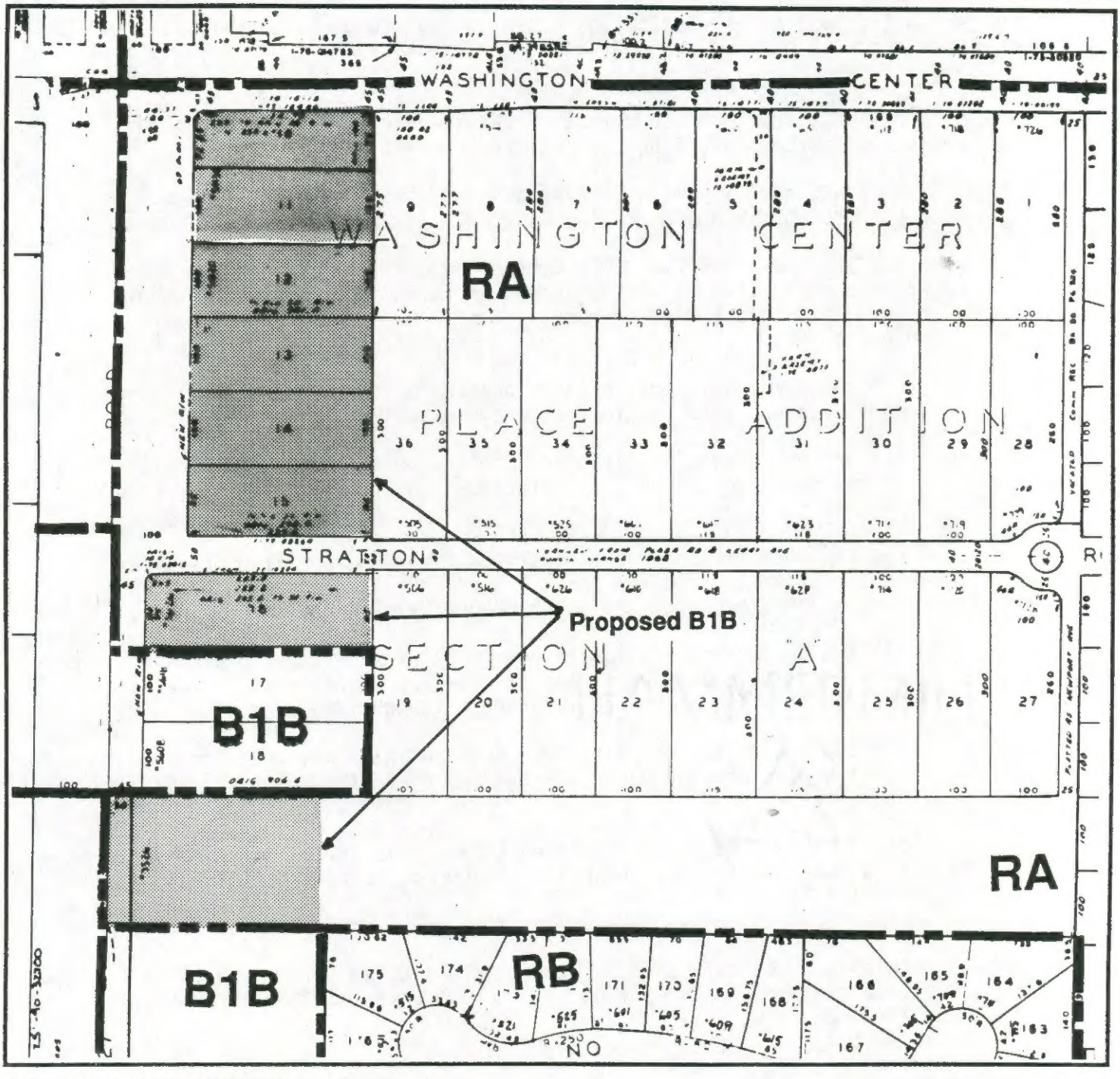
Reviewed by **Date** 3-28-91
R. Maglio

Reference or Case Number

REZONING PETITION

AREA MAP

CASE NO. #462



COUNCILMANIC DISTRICT NO. 3

Map No.: N-34
LW 2-22-91

R1	One-Family	**B1**	Limited Business	**M1**	Light Industrial
R2	Two-Family	**B2**	Planned Shopping Center	**M2**	General Industrial
R3	Multi-Family	**B3**	General Business	**M3**	Heavy Industrial
RA/RB	Residential	**B4**	Roadside Business	**IA**	Interchange Access
PUD	Planned Unit Dev.	**POD**	Professional Office District	**MHP**	Mobile Home Park

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on March 12, 1991 referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated Bill No. Z-91-03-16; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on March 18, 1991.

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO PASS recommendation based on the Commission's following "Findings of Fact":

(1) the grant will not be injurious to the public health, safety, morals, and general welfare of the community;

(2) the use or value of the area adjacent to the property included in the rezoning will not be affected in a substantially adverse manner;

(3) the need for the rezoning arises from some condition peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;

(4) the strict application of the terms of the zoning ordinance will constitute an unusual and unnecessary hardship if applied to the property for which the rezoning is sought; and,

(5) the grant does not interfere substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law.

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resoluton adopted at the meeting of the Fort Wayne City Plan Commission held March 25, 1991.

Certified and signed this
27th day of March 1991.

Robert Hutner
Secretary

The Fort Wayne City Plan Commission requests a change of zone from IA and RA to B-1-B. (Bill Knapp's Area)

Location:	5526-5608-5618-5626-5820-5830 Coldwater Rd.		
Legal:	See file		
Land Area:	Approximately 5.17 acres		
Zoning:	IA		
Surroundings:	North	R-1	Residential
	South	B-1-B	Commercial
	East	RA	Residential
	West	IA/B1B	Commercial
Reason for Request:	Elimination of the IA District		
Neighborhood Assoc.:	None		

Comprehensive Plan: The general land use policies of the Comprehensive Plan states that development proposals should be compatible with existing and planned land uses and should not establish an undesirable precedent in the area to be developed.

This project is located within the North Sector of the Outer Ring. The goal of the Outer Ring is to encourage growth in a balanced manner that is within or adjacent to existing development in the urban service area.

Since this rezoning is for the main purpose of updating the present zoning ordinance and the present use of the property is not proposed to change we feel that there would be no impact on the comprehensive values for this area.

Neighborhood Plan: No comment.

Landscape: No comment.

Planning Staff Discussion:

This development is located at the southeast corner of Coldwater and Washington Center Roads, and consists of a service station, Bill Knapp's and the House of Hunan. We have also included the

front portion of a residential parcel that is inconsistent with the rest of the Coldwater Road frontage.

The surrounding area consists of undeveloped ground to the north (on the north side of Washington Center Road), commercial uses to the south and west, and residential to the east. This site is just north and east of the new Coldwater Crossing development.

Recommendation: Do Pass

1) Approval would be consistent with the zonings in the immediate area.

2) Approval would be consistent with the Comprehensive Plan.

3) Approval will not create any legal non-conforming uses.